

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

The Applicant has amended Claims 1, 9-10, 13; Claims 11-12 have been cancelled. Applicant respectfully submits no new matter has been added. Accordingly, Claims 1-10, 13-20 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Examiner Objections - Claims**

The Examiner objected to Claims 13-20 because of informalities. The Examiner maintained the same objection previously issued on Final Office Action dated March 31, 2009. Applicant has since amended Claims 13 to now recite:

**A computer-readable medium encoded with a computer program product for controlling call admission within a communication system including a plurality of media gateways interconnected by a packet switched backbone, the computer program product performs the following steps when run on a processor:**

Since Claim 13 and its dependent claims are now claim a “computer readable medium encoded with a computer program product” for performing the recited steps when run on a processor (See MPMP 2106.1), Applicant submits that the Examiner’s objection has been overcome.

### **Claim Rejections – 35 U.S.C. § 103 (a)**

The Examiner rejected claims 1, 6-10, 13, and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Burst, Jr. (US 7,088,677). The Examiner basically maintained the same rejection as before while stating that “the specification does not provide a clear explanation of the term ‘subset’. In the absence of an express intent to impart a novel meaning to the claim terms, the words are presumed to take on the ordinary and customary meaning attributed to them by those of ordinary skill in the art.” The Applicant extremely appreciates the Examiner’s thorough review of the claims and

submits that the independent claims have been amended to now recite “**specific subnet mask**” as further described on lines 9-14 of page 8 of the present application. More specifically, the cited portion of the present application fully describes the identification process of a particular group of media gateways by stating that “[i]t is assumed that the sites are organized as subnets, and thus it will be possible to identify the remote site by applying a subnet mask to the source IP address contained in a received packet. Since several IP address numbering plans can be used within one PLMN, the network id(s) and the related subnet mask(s) will be configurable in the media gateway so that the media gateway can apply an appropriate subnet mask to the remote IP address. (Lines 9-14, Col. 8). Therefore, the present invention monitors the level of congestion suffered by incoming packets from a group of media gateways as identified by a specific subnet mask within said packet switched backbone. The Applicant further submits that it is not the whole network that is being monitored, but rather a specific sub-portion of the network as indicated by the recited “specific subnet mask of said packet switched backbone.” Accordingly, contrary to the Burst reference where control packets are transmitted throughout the whole network, a congestion level with respect to certain media gateways as identified by specific subnet mask is monitored in accordance with the present invention. Accordingly, as stated by the Examiner on the Advisory Action dated June 15, 2009, the pending claims now recite the limitation wherein the whole network is not probed or monitored in order to find a congestion link.

A favorable reconsideration is therefore earnestly requested.

The Examiner rejected claims 3, 5, 15 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Burst as applied to claims 1, 6-10, 13, and 18-20 above, and further in view of Murphy et al (US 6,542,499) (herein after Murphy). These claims depend on now allowable independent Claims and recite further limitations thereto. Therefore, the allowance of claims 3, 5, 15, and 17 is respectfully requested.

The Examiner rejected claims 4 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Burst as applied to claims 1, 6-10, 13, and 18-20 above, and further in view of Rao as applied to claims 2 and 14 and Murphy as applied to claims 3, 5, 15 and 17 above. Likewise, all these claims also dependent on now allowable independent Claims and recite further limitations thereto. A favorable reconsideration of the amended independent Claims is requested.

#### **Prior Art Not Relied Upon**

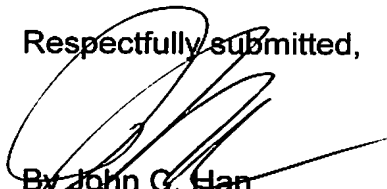
In paragraph 9 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

**CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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